

Message Text

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C O N F I D E N T I A L STATE 166323

PASS AMB GEORGE ALDRICH AT NATO EXPERTS MEETING ON HUMANITARIAN
LAW IN ARMED CONFLICT

FOL RPT GENEVA 09833 ACTION SECSTATE INFO NAIROBI USUN NY
28 JUN 78 QUOTE

C O N F I D E N T I A L GENEVA 09833

STATE FOR AMB RICHARDSON, S/AR

E.O. 11652: GDS
TAGS: OCON, LOS
SUBJECT: DISCUSSIONS WITH FRANK NJENGA ON PROSPECTS
FOR THE CONTINUATION OF THE 7TH SESSION

1. ALAN BERLIND AND RON KATZ HAD VERY PRODUCTIVE
DISCUSSION WITH FRANK NJENGA ON JUNE 28 IN GENEVA
ABOUT PROSPECTS FOR THE CONTINUATION OF THE 7TH SESSION
OF UNCLOS. NJENGA BEGAN BY STATING A VERY PESSIMISTIC
VIEW ON THE PROSPECTS FOR THE CONTINUATION, A VIEW
WHICH HE HAD COMMUNICATED TO HIS FOREIGN OFFICE AS
WELL. HE STATED THAT HE DID NOT THINK THAT HE WOULD
BE ATTENDING THE CONTINUATION BECAUSE HE FELT THAT IT
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WOULD PRODUCE LITTLE AT BEST AND BE COUNTER-PRODUCTIVE
AT WORST. HE FELT THAT THERE WAS NO GENERAL SUPPORT
OR LOGICAL REASON FOR A CONTINUATION OF THE SESSION
AND THAT THE PRINCIPAL MOTIVATING FACTOR FOR THE
CONTINUATION WAS ENGO'S ABILITY TO MANIPULATE THE
AFRICAN GROUP TO SUPPORT ENGO'S DESIRE TO CONTINUE THE
SESSION. NJENGA WAS EXTREMELY CRITICAL OF ENGO AND

FELT THAT ENGO HAD NO PLAN OF WORK FOR THE CONTINUATION OF THE 7TH SESSION AND FURTHER THAT ENGO'S MAIN REASON IN WANTING THE CONTINUATION WAS PERSONAL.

2. BERLIND AND KATZ EMPHASIZED THE IMPORTANCE WHICH THE US PLACED ON NJENGA'S ATTENDANCE AT THE CONTINUATION PRECISELY FOR THE REASON THAT OTHERWISE IT WOULD BE IMPOSSIBLE TO MAINTAIN THE MOMENTUM OF THE GENEVA SESSION. NJENGA STATED THAT IF IT WERE FELT THAT HE WAS NEEDED, HE WOULD WRITE A FOLLOW-UP REPORT TO HIS MINISTRY TO THAT EFFECT; IT WOULD BE HELPFUL, HE ADDED, IF THE US COULD ALSO MAKE ITS VIEWS CLEARLY KNOWN TO HIS MINISTRY. NJENGA SEEMED GENUINELY SURPRISED THAT WE HAD RECEIVED REPORTS FROM NAIROBI THAT HE WOULD BE ATTENDING THE NEW YORK SESSION AND HE STATED THAT IN ANY CASE, OTHER COMMITMENTS WOULD PREVENT HIM FROM ATTENDING THE FIRST WEEK OF THE CONTINUATION WHICH HE THOUGHT WOULD BE TAKEN UP WITH PROCEDURAL HAGGLING.

3. NJENGA VERY STRONGLY AGREED WITH THE SUGGESTION IN AMB RICHARDSON'S LETTER TO HIM THAT THE WORK AT THE CONTINUATION MUST GO FORWARD RATHER THAN GOING OVER THE GROUND COVERED IN GENEVA. HE FELT THAT THE LOGIC OF A RESUMED SESSION DICTATED SUCH A COURSE, AND THAT THE GROUP OF 77 WOULD NOT OBJECT TO THIS SUGGESTION. WHEN APPRISED BY KATZ AND BERLIND THAT ONE IMPEDIMENT TO CONFIDENTIAL

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THIS COURSE WAS THE FEAR OF SOME COUNTRIES THAT IF THE GROUND COVERED IN GENEVA WERE NOT RECOVERED, THOSE TEXTS WOULD BE CONSIDERED ACCEPTED. HE AGREED WITH BERLIND AND KATZ' SUGGESTION THAT IT WOULD BE DESIRABLE TO WRITE AMERASINGHE REEMPHASIZING THAT NO ONE WOULD BE BOUND BY THE NEGOTIATING TEXTS PRODUCED AT GENEVA.

4. HE EXPLICITLY AND FRANKLY CRITICIZED ENGO'S ROLE IN THE CONFERENCE AND WAS AT FIRST RELUCTANT TO ACCEPT THE SUGGESTION THAT ENGO SHOULD HANDLE DISPUTES SETTLEMENT, WHICH NJENGA CONSIDERS A CORE ISSUE. NJENGA SUGGESTED INSTEAD THAT ENGO HANDLE THE GUARANTY OF SECURITY OF TENURE FOR JOINT VENTURES WHICH WAS LESS OF A CORE ISSUE AND WHICH COULD BE HANDLED RELATIVELY EASY WITHIN A FOUR-WEEK SESSION. ULTIMATELY, IT WAS AGREED THAT PERHAPS MOST DESIRABLE COURSE WAS TO GIVE ENGO THAT NEGOTIATING RESPONSIBILITY WHILE CREATING A TECHNICAL EXPERTS GROUP ON DISPUTES SETTLEMENT UNDER HIS GUIDANCE BUT CHAIRED BY SOMEONE LIKE EVENSEN.

5. COMMENT: UNLESS YOU ADVISE TO THE CONTRARY, WE WILL FEEL OUT EVENSEN ON THE POSSIBILITY OF A ROLE IN

DISPUTES SETTLEMENT WHEN WE MEET WITH HIM IN OSLO ON
FRIDAY, JUNE 30. YOU MIGHT ALSO WANT TO CONSIDER
COMMUNICATING FURTHER WITH ENGO AND AMERASINGHE, WHO
NJENGA BELIEVES HOLDS THE KEY TO SETTING UP PROCEDURES
FOR THE NEW YORK MEETING. FINALLY, YOU MAY WISH TO
INSTRUCT AMEMBASSY NAIROBI TO APPROACH GOK ON
IMPORTANCE OF NJENGA'S PARTICIPATION. VANDEN HEUVEL

UNQUOTE VANCE

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